

UNITED STATES DISTRICT COURT
for the

District of South Carolina

United States of America)	Case No: <u>4:07-208-006 (TLW)</u>
)	USM No: <u>15113-171</u>
-versus-)	<u>Pro se</u>
)	Defendant's Attorney
Kenyon Dajuan Gaither)	
)	
Date of Previous Judgment: <u>June 25, 2008</u>)	
(Use Date of Last Amended Judgment if Applicable)	

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is **DENIED** (Docs. # 466 & # 467). This case does not qualify because the mandatory minimum overrides the guidelines. Accordingly, the guideline range is unaffected by Amendment 750.

IT IS SO ORDERED.

Order Date: April 9, 2012

s/ Terry L. Wooten
Judge's signature

Effective Date:
(if different from above)

Terry L. Wooten, United States District Judge